

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**UNITED STATES OF AMERICA**

**CASE NO. 3:21-CR-00153**

**VERSUS**

**JUDGE TERRY A. DOUGHTY**

**CHARLIE L. SIMPSON (01)  
CHARLES D. GARDNER (02)**

**MAGISTRATE JUDGE KAYLA  
D. MCCLUSKY**

**MEMORANDUM ORDER**

This ruling is in response to a Motion for the Immediate Production of Identified Brady Material [Doc. No. 188] filed by Defendant Charles D. Gardner (“Gardner”) seeking the production of thirty-six (36) identified items under *Brady v. Maryland* and *United States v. Giglio*. An Opposition [Doc. No. 207] was filed by the United States of America (the “Government”). A Reply [Doc. No. 213] was filed by Gardner.

**I. BACKGROUND**

Charlie L. Simpson (“Simpson”) and Gardner were indicted for four counts of Bank Fraud and one count of Conspiracy to Commit Bank Fraud. The trial is set for April 8, 2024.

**II. LAW AND ANALYSIS**

In *Brady v. Maryland*, 397 U.S. 742 (1970), the Supreme Court held that the prosecution was required to disclose to the defense exculpatory evidence that is favorable to the accused. In *United States v. Giglio*, 405 U.S. 150 (1972), the Supreme Court held exculpatory evidence also included evidence that would impeach the credibility of the Government’s witnesses.

The thirty-six (36) items listed and reasons for disclosure by Gardner are:

1. FBI-0206 - Review of text messages between Charlie Simpson and Mike McGee (exculpatory);
2. FBI-0278 – Review of text messages between Charlie Simpson and Cassidy Broussard (exculpatory);

3. FBI-0280 – Prosecution Summary (exculpatory and mitigating);
4. FBI-0742 – Audrey Peterson interview, March 21, 2018 (impeachment);
5. FBI-0743 – Audrey Peterson interview, October 26, 2017 (exculpatory, mitigating, impeachment);
6. FBI-0745 – Audrey Peterson interview, October 30, 2017 (exculpatory, mitigating, impeachment);
7. FBI-0746 – Autumn Fulmer interview, August 23, 2017 (exculpatory and mitigating);
8. FBI-0775 – Brian Woodard phone conference, February 14, 2018 (exculpatory and impeachment);
9. FBI- 0998 – Christy Stephens interview, May 17, 2017 (exculpatory and mitigating);
10. FBI-1020 – Cory Jones of Suncoast Sound (exculpatory and mitigating);
11. FBI-1021 – Danny Jones interview, January 30, 2018 (exculpatory and mitigating);
12. FBI-1029 – David Hampton interview, August 9, 2017 (exculpatory and mitigating);
13. FBI-1032 - Dion Young interview, April 11, 2017 (exculpatory);
14. FBI-1034 - Dion Young interview, April 28, 2017 (exculpatory and mitigating);
15. FBI-1037 - Dion Young interview, June 19, 2017 (exculpatory and mitigating);
16. FBI-1504 - Gail Lemoine interview (exculpatory and mitigating);
17. FBI-1506 – Ginger Ezell interview, June 12, 2017 (exculpatory and mitigating);
18. FBI-1508 – Ginger Ezell interview, July 12, 2017 (exculpatory and mitigating);
19. FBI-1510 – Ginger Ezell interview, August 23, 2017 (exculpatory and mitigating);
20. FBI-1723 – Heather Leggett interview (exculpatory and mitigating);
21. FBI-1731 - Jana Chowns interview March 23, 2018 (impeachment);

22. FBI-1734 – Jody Tillman interview (exculpatory, mitigating, and impeachment);
23. FBI-1745 – Lisa Downs interview (mitigating and impeachment);
24. FBI-1902 – Melanie Robinson interview (exculpatory and mitigating);
25. FBI-1988 – Mike McGee interview (exculpatory and mitigating);
26. FBI-2042 - Origin Bank employee group interview, January 30, 2018 (exculpatory and mitigating);
27. FBI-2044 – Prosecution summary (exculpatory, mitigating, and impeachment);
28. FBI-2264 – Theresa Steinbruch interview, April 13, 2017 (exculpatory and mitigating);
29. FBI-2270 – Theresa Steinbruch interview, June 12, 2017 (exculpatory and mitigating);
30. FBI-2292 Alleon Capital Group interview, December 14, 2020 (exculpatory, mitigating, and impeachment);
31. FNB-000103 (exculpatory, mitigating, and impeachment);
32. FNB-000109 (exculpatory, mitigating, and impeachment);
33. FNB-000113 (exculpatory, mitigating, and impeachment);
34. FNB-000117 (exculpatory, mitigating, and impeachment);
35. FNB-000121 (exculpatory, mitigating, and impeachment); and
36. FNB-000125 (exculpatory, mitigating, and impeachment).

Most of these documents were provided in a sealed filing on October 11, 2023 [Doc. No. 258]. However, this Court was unable to locate the following items from Gardner’s list:

1. FBI-0216 – Review of text messages between Charlie Simpson and Mike McGee;
30. FBI-2292 Alleon Capital Group interview, December 14, 2020;
31. FNB-000103;

32. FNB-000109;
33. FNB-000113;
34. FNB-000117;
35. FNB-000121; and
36. FNB-000125.

In order for these six (6) documents to be examined, the Government is **ORDERED** to provide, under seal, the above documents, within thirty (30) days of the date of this order.

The Court was able to examine the other twenty-eight (28) documents submitted. After a review, the Government is **ORDERED** to disclose (if not already disclosed) to Simpson and Gardner the following documents, which may provide *Brady/Giglio* information:

4. FBI-0742 – Audrey Peterson interview;
5. FBI-0743 – Audrey Peterson interview;
6. FBI-0745 – Audrey Peterson interview;
7. FBI-0746 – Autumn Fulmer interview;
8. FBI-0775 – Brian Woodard phone conference;
9. FBI- 0998 – Christy Stephens interview;
11. FBI-1021 – Danny Jones interview;
14. FBI-1034 - Dion Young interview;
21. FBI-1731 - Jana Chowns interview;
22. FBI-1734 – Jody Tillman interview;
24. FBI-1902 – Melanie Robinson interview;
25. FBI-1988 – Mike McGee interview; and
26. FBI-2042 - Origin Bank employee group interview.

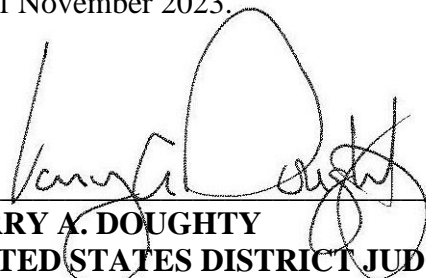
### **III. CONCLUSION**

For the reasons set forth herein,

**IT IS ORDERED** that the Government provide, under seal, copies of the six documents listed herein, within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that within thirty (30) days of the date of this Order, the Government disclose to Simpson and Gardner the above thirteen (13) documents listed herein.

**MONROE, LOUISIANA**, this 28<sup>th</sup> day of November 2023.



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**TERRY A. DOUGHTY**  
**UNITED STATES DISTRICT JUDGE**